

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-30 are pending in the present application, Claims 1, 6, 11, and 21 are amended. Support for the amendments to Claims 1, 11, and 21 is found, for example, in paragraphs [0094], [00126], [00146], and [00147] of the originally filed specification, and Fig. 19. Claim 6 is amended to correct a minor informality. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, a minor informality was noted in Claim 6, and Claims 1-30 were rejected under 35 U.S.C. §103(a) as unpatentable over Lovy et al. (U.S. Patent No. 7,069,480, hereinafter Lovy) in view of Bennett et al. (U.S. Patent No. 6,799,211, hereinafter Bennett).

Claim 6 is amended to correct the informality noted in the outstanding Office Action.

With respect to the rejection of Claim 1 as unpatentable over Lovy in view of Bennett, Applicants respectfully traverse this ground of rejection. Claim 1 is amended in order to more clearly describe and distinctly claim the subject matter Applicants regard as the invention. Amended Claim 1 recites,

A method of storing information configured to be used
for a plurality of communication protocols to extract status
information related to a monitored device among distinct devices
communicatively coupled to a network, comprising:

retrieving, from a first memory, support information
containing parameters for extracting the status information using
the plurality of communication protocols;

storing, in a second memory, the information obtained
from the first memory for accessing the device using the plurality
of communication protocols;

selecting a communication protocol among the plurality
of communication protocols;

accessing the device using the selected communication protocol;

receiving data from the monitored device; and

using the information stored in the second memory to extract the status information from the received data,

wherein the second memory has a data structure with the parameters.

Lovy and Bennett, taken alone or in proper combination, do not disclose or suggest every element of amended Claim 1.

The outstanding Office Action takes the position that the claimed “retrieving” step is described at col. 6, lines 65-67, col. 7, lines 1-22, and col. 8, lines 46-62. These sections of Lovy describe managing components with standard or public protocols and status poller 300. The outstanding Office Action takes the position that the “raw status events” of Lovy equate to the claimed “support information.” However, as clarified by the amendment to Claim 1, the claimed “support information” is not the status information. Claim 1 clearly indicates that there is support information, status information, and that the two are different from each other. Claim 1 recites that the support information containing parameters for extracting the status information using the plurality of communication protocols. The support information is used to extract the status information, and is not the status information itself.

Lovy describes how appliance 300 monitors the raw status events using various standard protocol queries through status poller 300. However, Lovy does not disclose or suggest retrieving support information containing parameters for extracting the status information using the plurality of communication protocols. There is no disclosure or suggestion that status poller 300 uses the claimed “support information” to obtain the status information.

Furthermore, since Lovy does not disclose the “retrieving” step, Lovy does not disclose or suggest storing, in a second memory, the information obtained from the first memory for accessing the device using the plurality of communication protocols.

Furthermore, the outstanding Office Action takes the position that database 352 equates to the claimed “second memory.” Database 352 of Lovy stores status information. Amended Claim 1 recites “using the information stored in the second memory to extract the status information from the received data.” The information in the claimed “second memory” is information for extracting the status information from the received data. The information in the claimed “second memory” is not the status information itself. Amended Claim 1 makes clear that the information stored in the second memory is used to extract status information. Thus, it is clear that the information stored in the second memory is different than the status information.

Further, the status information in database 352 of Lovy is not used to extract any status information from data received from the monitored device. The Office is requested to explain how the status information in database 352 (which the Office equates to the claimed “second memory”) is used to extract status information from data received from the monitored device. It makes no sense to use status information to extract the status information.

Furthermore, Bennett does not cure the above-noted deficiencies in Lovy. Bennett describes a system where network devices communicate using different protocols. The system includes a common communication agent 104 that converts or otherwise translates non-standard data into a standardized format. Interpretation/extraction module 110 filters out unnecessary data. However, Bennett does not disclose or suggest the elements of amended Claim 1.

Furthermore, Applicants note that the outstanding Office Action relies on Claim 37 of Bennett when rejecting Claim 1. The rejection of the present Application, based on reference to a patent claim is clearly improper. The Federal Circuit has characterized analysis of prior art patent claims with respect to the patentability of an Application as “a plainly indefensible line of reasoning” (*In Re Benno*, 226 U.S.P.Q. 683, 686, Fed. Cir. 1985) and further stated that:

The scope of a patent’s claim determines what infringes the patent; it is no measure of what it discloses. A patent discloses only that which it describes, whether specifically, or in general terms, so as to convey intelligence to one capable of understanding (*See Benno* at 686) (emphasis added)).

Since Lovy and Bennett fail to disclose or suggest every element of amended Claim 1, Applicants respectfully submit that a person of ordinary skill in the art could not properly combine Lovy and Bennett to arrive at the claimed invention.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and any claims dependent thereon) patentably distinguish over Lovy and Bennett, taken alone or in proper combination. Claims 11 and 21 recite elements analogous to those of Claim 1. Applicants respectfully submit that Claims 11 and 21 (and any claims dependent thereon) patentably distinguish over Lovy and Bennett, taken alone or in proper combination, for at least the reasons stated for Claim 1.

Moreover, Applicants respectfully traverse the rejection of Claim 2. Claim 2 recites “wherein the information for extracting the status information using the plurality of communication protocols is stored in the second memory in protocol-dependent data structures.” As noted previously, the Office takes the position that database 352 of Lovy equates to the second memory. However, Lovy does not disclose or suggest the structure of database 352. The mere existence of database 352 does not mean that it stores information in protocol-dependent data structures.

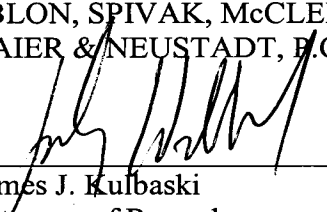
Moreover, Applicants respectfully traverse the rejection of Claim 3. Claim 3 recites “retrieving, from the first memory, relative priority data associated with at least one type of status information for at least one communication protocol of the plurality of communication protocols.” The outstanding Office Action relies on col. 6, lines 65-67 and col. 7, lines 1-22 of Lovy to reject Claim 3. However, these sections of Lovy do not disclose or suggest retrieving relative priority data associated with at least one type of status information for at least one communication protocol of the plurality of communication protocols. Col. 7, line 10 of Lovy mentions “raw status events.” However, there is no relative priority data associated with raw status events.

Moreover, Applicants respectfully traverse the rejection of Claim 4. The Office fails to identify what it considers to equate to the claimed “relative priority data” as explained above with respect to Claim 3. Again, the outstanding Office Action relies on col. 6, lines 65-67 and col. 7, lines 1-22 of Lovy. These sections of Lovy do not disclose or suggest that the relative priority data includes an indication of the quality of the at least one type of status information obtainable using each of the at least one communication protocol.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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